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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,133	01/19/2001	Jonathan E. Lowthert	BKA.0011US	9485
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RAMAN, USHA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/766,133

Applicant(s)

LOWTHER ET AL.

Examiner

USHA RAMAN

Art Unit

2424

Period for Reply -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 27, 28, 30-33, 38 and 41-47 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 27, 28, 30-33, 38 and 41-47 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No./Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No./Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Response to Arguments

1. Applicant's arguments with respect to claim 27 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 depends on canceled claim 29. Claim is best understood to depend on claim 27 and has been considered accordingly.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27-28, 30, 32, and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nejime et al. (US Pat. 7,272,843) in view of Zigmund et al. (US Pat. 6,698,020).

With regards to claim 27, Nejime discloses a system comprising:

A receiver (101) to receive a contiguous block of content data stream (fig. 3: a program, col. 2, lines 10-12, col. 5, lines 6-7) with an information segment (203) and a plurality (col. 5, lines 64-65, col. 6, lines 16-18) of advertisements (col. 3, lines 49-50), said information segment having at least one ad entry (301) (note that fig. 9, replaces Auxiliary Information ID 208 of fig. 3 with Auxiliary Information 301) having a field in the form of an interruption form specifier (310) to indicate a point based on the passage of time (col. 9, lines 5-7), within said contiguous block of content data stream to interrupt the play of said content data stream and to insert an advertisement in said content data stream for play prior to the resumption of the play of the content data stream (col. 10, lines 47-62);

A cache (106) coupled to the receiver to store said content data stream with said information segment (col. 5, line 30, wherein broadcast information comprises program and its corresponding info segment, 203), and the plurality of advertisements (col. 11, lines 37-40, lines 45-55);

An interface (102) in said receiver to identify a content data stream location (col. 5, lines 31-35) and an advertisement out of plurality of advertisements (col. 5, lines 37-42), to insert in said location (col. 10, lines 47-62), said interface to identify, based on data from interruption point specifier, said location while said content data

stream is still stored in said cache (i.e. content is still stored in cache during playback of media files as well as ads);

Wherein the interface to utilize an info segment (203) having a plurality of fields, one of said fields comprising an interruption point specifier (310). Nejime is however silent on another field comprising one of maximum interruption length specifier, a permitted ad type specifier, a prohibited type ad specifier, an ad lock and a resume indicator that indicates if a user can override the insertion of an advertisement.

In an analogous art, Zigmond discloses a method of insertion of targeted ads, wherein the user is provided with predefined (col. 11, lines 50-55) ad selection criteria (i.e. info segment) comprising a plurality of fields indicating permitted type specifier, prohibited type specifier (i.e. permitted and prohibited types being specified via content ratings, col. 13, lines 48-51) used to determine the targeted ads for viewer (col. 11, lines 30-41). Zigmond further discloses that the ad selection criteria can further allow the viewer to forego advertisements all together under certain conditions (col. 14, lines 29-33). Zigmond accordingly teaches a resume indicator that indicates if a user can override the insertion of an advertisement under certain conditions (e.g. when user pays a subscription fee).

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the index of Nejime in view of Zigmond by further comprising fields pertaining to the ad, such as permitted/prohibited type specifiers or information indicating whether advertisements can be forgone altogether, thereby targeting ads

more effectively based on content rating of program and presenting ads to viewer based on their subscription levels. Such a modified system accordingly comprises a resume indicator to indicate if a user can override the insertion of an advertisement.

With regards to claim 28, the modified system further discloses wherein the interface utilizes a content identifier (204) to associate said information segment with said content data stream (Nejime: col. 5, lines 61-62).

With regards to claim 30, the modified system further discloses wherein ad entry includes the plurality of fields (note that 203 comprises a plurality of fields, including auxiliary information 301, wherein auxiliary information further includes the fields 310 and 311), the interface using the data from fields to control the relationship between content data stream and said plurality of advertisements (Nejime: col. 10, lines 47-62).

With regards to claim 32, the modified system further discloses wherein the system is a television receiver (Nejime: receiver receives CATV signals, fig. 1).

With regards to claim 41, Nejime discloses a method comprising receiving a television transmission including a contiguous block of content (col. 2, lines 10-12, col. 5, lines 6-7) with an information segment (203) and inserting an advertisement into a contiguous block of content data stream (Nejime: col. 2, lines 3-13) based on the passage of time (Nejime: start time 310, col. 9, lines 5-6).

Nejime is silent on the information segment indicating if a user can override insertion of an advertisement.

In an analogous art, Zigmond discloses a method of insertion of targeted ads, wherein the user is provided with predefined (col. 11, lines 50-55) ad selection criteria (i.e. info segment) indicating the types of ads that can be inserted into programming, the ad selection criteria further indicating if the viewer can override insertion of an ad (col. 14, lines 29-33).

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the index of Nejime in view of Zigmond by indicating in the info segment additional information pertaining to ads, including information indicating whether advertisements can be forgone altogether, thereby targeting ads more effectively based on content rating of program and presenting ads to viewer based on their subscription levels.

With regards to claim 42, the modified system further discloses the method of claim 41 including storing said content data stream (Nejime: col. 5, lines 30-31) and a plurality of advertisements in cache (Nejime: col. 11, lines 47-52) (note fig. 3 wherein a plurality of auxiliary information such as commercials can be associated with a program, wherein they can be stored).

With regards to claim 43, the modified system further discloses including, based on the passage of time, identifying a location to interrupt the play of content to insert an advertisement (Nejime: col. 10, lines 40-60), advertising is inserted at point T1 into the video).

With regards to claim 44, the modified system further discloses including measuring the passage of time from the start of the play of said content data stream

(advertisement start time 310 is given with the program start time taken as reference thereby reading on the passage of time (Nejime: col. 9, lines 5-6)).

With regards to claim 46, Nejime discloses a system comprising:

A receiver (101) to receive a contiguous block of content data stream (fig. 3: a program, col. 2, lines 10-12, col. 5, lines 6-7) with an information segment (203) and a plurality (col. 5, lines 64-65, col. 6, lines 16-18) of advertisements (col. 3, lines 49-50), said information segment having at least one ad entry (301) (note that fig. 9, replaces Auxiliary Information ID 208 of fig. 3 with Auxiliary Information 301) having a field in the form of an interruption form specifier (310) to indicate a point based on the passage of time (col. 9, lines 5-7), within said contiguous block of content data stream to interrupt the play of said content data stream and to insert an advertisement in said content data stream for play prior to the resumption of the play of the content data stream (col. 10, lines 47-62);

A cache (106) coupled to the receiver to store said content data stream with said information segment (col. 5, line 30, wherein broadcast information comprises program and its corresponding info segment, 203), and the plurality of advertisements (col. 11, lines 37-40, lines 45-55);

An interface (102) in said receiver to identify a content data stream location (col. 5, lines 31-35) and an advertisement out of plurality of advertisements (col. 5, lines 37-42), to insert in said location (col. 10, lines 47-62), said interface to identify, based on data from interruption point specifier, said location while said content data

stream is still stored in said cache (i.e. content is still stored in cache during playback of media files as well as ads);

Nejime is silent on the interface determining if the information segment includes information to enable a user to override the insertion of an ad.

In an analogous art, Zigmond discloses a method of insertion of targeted ads, wherein the user is provided with predefined (col. 11, lines 50-55) ad selection criteria (i.e. info segment) indicating the types of ads that can be inserted into programming, the ad selection criteria further indicating if the viewer can override insertion of an ad (col. 14, lines 29-33).

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the index of Nejime in view of Zigmond by indicating in the info segment additional information pertaining to ads, including information indicating whether advertisements can be forgone altogether and the receiver overriding the insertion of the ad based on information in the info segment, thereby targeting ads more effectively based on content rating of program and presenting ads to viewer based on their subscription levels.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nejime et al. (US Pat. 7,272,843) in view of Zigmond et al. (US Pat. 6,698,020) as applied to claim 27 above and further in view of Knepper (US PG Pub. 2001/0042249) and Schoff (US Pat. 6,240,555).

With regards to claim 31, the modified system discloses transmitting the information segment in the video signal (Nejime: col. 6, lines 1-5). The modified

system however is silent on the cache storing an EPG having a program identifier and an associated info segment, said EPG to enable locating the info segment corresponding to a selected program.

Knepper discloses a method of sending the information segment (i.e. instruction set) comprising a list of ads to be associated with the content as a separate file [0025] which is delivered at the same time the content is delivered [0026]. Transmitting information segment as a separate file allows inclusion of targeted ads based on taste and preferences of the user. Knepper also discloses that instruction set can be modified by the user [0083]. Knepper however also does not disclose the step of further storing an electronic program guide, the program guide having a program identifier and an associated info segment, the program guide enabling locating the info segment corresponding to the selected program.

Schoff discloses a method of associating a supplementary content with a program, wherein the program guide has a program identifier (storage pointer) and enables locating the supplemental data corresponding to a selected program. See fig. 3.

It would have been obvious to one of ordinary skill in the art at the time of the invention by further modifying the system in view of Knepper by transmitting the info segment associated with a program as a separate file thereby allowing the info segment to hold advertisements specifically targeted to the user. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in view of Schoff by using an EPG to locate information segment file

associated with program identifier. The motivation is to enable the user to select a show or content for playback from an EPG and enable association of information segment for targeted advertisements.

7. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nejime et al. (US Pat. 7,272,843) in view of Zigmond et al. (US Pat. 6,698,020) as applied to claim 27 above and further in view of Augenbraun et al. (US PG Pub. 2002/0026642).

With regards to claim 33, the modified system is silent on wherein the system is connected to a presentation device through a wireless connection. Augenbraun however discloses a receiver system (set top box 14) that is coupled to a presentation device (monitor 20) through wireless connection [0022]. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system by coupling the presentation device to the system through a wireless connection so reduce a clutter of wires.

8. Claims 38 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nejime et al. (US Pat. 7,272,843) in view of Zigmond et al. (US Pat. 6,698,020) as applied to claims 27 and 46, respectively, above and further in view of Eyer et al. (US Pat. 6,588,015).

With regards to claim 38, the modified system discloses that user input controls can be actuated through remote controller (Nejime: [0048]) however is silent on wherein the system detects the activation of a button to override the insertion of the advertisement.

In a further related art, Eyer discloses allowing user to skip commercials when they have paid a fee. The system can automatically skip the commercials in such case or allow user to specifically bypass/skip commercials upon activation of a button (col. 6, lines 56-60, col. 16, lines 25-26, lines 37-45).

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the system in view of Eyer by allowing user to skip/bypass commercials through the actuation of a button, wherein the skipping overrides the insertion of advertisements, thereby providing the viewer the option to view a commercial in the event they desire to do so and skip the commercial at other times, thereby providing a greater flexibility with respect to the reproduction of the commercials at the viewer's discretion.

With regards to claim 47, the modified system discloses that user input controls can be actuated through remote controller (Nejime: [0048]) however is silent on wherein the system detects the activation of a button to override the insertion of the advertisement.

In a further related art, Eyer discloses allowing user to skip commercials when they have paid a fee. The system can automatically skip the commercials in such case or allow user to specifically bypass/skip commercials upon activation of a button (col. 6, lines 56-60, col. 16, lines 25-26, lines 37-45).

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the system in view of Eyer by allowing user to skip/bypass commercials through the actuation of a button, wherein the skipping overrides the

insertion of advertisements, thereby providing the viewer the option to view a commercial in the event they desire to do so and skip the commercial at other times, thereby providing a greater flexibility with respect to the reproduction of the commercials at the viewer's discretion.

9. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nejime et al. (US Pat. 7,272,843) in view of Zigmond et al. (US Pat. 6,698,020) as applied to claim 41 above and further in view of Harville (US Pat. 6,993,245).

With regards to claim 45, the modified system is silent on the step of including measuring the passage of time to the last advertisement played.

Harville discloses a method of determining placement of commercial breaks such that they are not too close to each other (col. 13, lines 21-31). Since too many commercial breaks can annoy a viewer, one of ordinary skill in the art would find it advantageous to incorporate this teaching by ensuring that too many commercials are not shown to the user.

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the system by using teachings from Harville and measuring the passage of time to the last advertisement played so that commercial breaks are not too close to each other. Such a modified system allows for spacing the commercials to be shown to the user such that it can sustain user's attention and interest.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Wed, Fri: 5:00am-9:00am; Thu: 5:00am-7:00am and 12:00pm-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usha Raman/
Examiner, Art Unit 2424